

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1125 be amended to read as follows:

- 1           Page 29, between lines 5 and 6, begin a new paragraph and insert:
- 2           "SECTION 15. IC 24-5-13.7 IS ADDED TO THE INDIANA CODE
- 3           AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4           JANUARY 1, 2007 (RETROACTIVE)]:
- 5           **Chapter 13.7. Recreational Vehicle Protection**
- 6           **Sec. 1. As used in this chapter, "nonconformity" means any**
- 7           **specific or generic defect or condition or any concurrent**
- 8           **combination of defects or conditions that:**
- 9               (1) substantially impairs the use, market value, or safety of a
- 10              recreational vehicle; or
- 11              (2) renders the recreational vehicle nonconforming to the
- 12              terms of an applicable manufacturer's warranty.
- 13           **Sec. 2. As used in this chapter, "owner" means a title holder of**
- 14           **the recreational vehicle or a lessee of a recreational vehicle under**
- 15           **the terms of a lease or bailment for the use of a recreational vehicle**
- 16           **for more than four (4) months.**
- 17           **Sec. 3. As used in this chapter, "person" includes a natural**
- 18           **person, a firm, a partnership, an association, a limited liability**
- 19           **company, a corporation, or any other business organization.**
- 20           **Sec. 4. As used in this chapter, "recreational vehicle" has the**
- 21           **meaning set forth in IC 9-13-2-150.**
- 22           **Sec. 5. As used in this chapter, "retailer" means a person that**
- 23           **sells or leases recreational vehicles to the general public.**
- 24           **Sec. 6. As used in this chapter, "service provider" means a**
- 25           **person, other than a retailer, that repairs or services a recreational**
- 26           **vehicle.**
- 27           **Sec. 7. If a recreational vehicle suffers from a nonconformity**
- 28           **and the owner of the recreational vehicle delivers the recreational**
- 29           **vehicle to:**
- 30               (1) the retailer that sold or leased the recreational vehicle to
- 31              the owner; or

1           **(2) a service provider;**  
2           **and reports the nonconformity to the retailer or service provider,**  
3           **the retailer or service provider shall, within eighteen (18) months**  
4           **of the delivery and notification, make the repairs that are**  
5           **necessary to correct the nonconformity.**

6           **Sec. 8. (a) Except as provided in subsection (b), if a retailer fails**  
7           **to make the repairs as required in section 7 of this chapter, the**  
8           **retailer shall accept the return of the vehicle from the owner and,**  
9           **at the owner's option, either, within thirty (30) days, pay the owner**  
10           **the market value of a similar recreational vehicle in good repair or**  
11           **provide the owner a credit in an amount equal to the value of a**  
12           **similar recreational vehicle in good repair toward the purchase of**  
13           **another recreational vehicle.**

14           **(b) If the owner is a lessee of a recreational vehicle and the**  
15           **retailer fails to make the repairs as required in section 7 of this**  
16           **chapter, the retailer shall accept the return of the vehicle from the**  
17           **owner and provide the owner a credit in an amount equal to the**  
18           **value of a similar recreational vehicle in good repair toward the**  
19           **lease of another recreational vehicle.**

20           **Sec. 9. If a service provider fails to make the repairs as required**  
21           **in section 7 of this chapter, the service provider shall refund to the**  
22           **owner all money paid by the owner to the service provider for the**  
23           **repair of the recreational vehicle."**

24           Renumber all SECTIONS consecutively.

              (Reference is to EHB 1125 as printed February 13, 2008.)

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Senator DROZDA